

State of California—Health and Human Services Agency

California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH 50 D STREET, SUITE 200, SANTA ROSA, CA 95404 PHONE: (707) 576-2145 / FAX: (707) 576-2722 INTERNET ADDRESS: www.cdph.ca.gov



December 9, 2013

Water System No. 4900513

Christopher Brooks Madrone Mutual Water Company 7729 Isabel Drive Cotati, CA 94931

CITATION NO. 02-18-13C-070
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL), MONITORING AND REPORTING VIOLATIONS FOR OCTOBER 2013

Enclosed is a Citation issued to the Madrone Mutual Water Company (System) public water system.

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation. You will receive a bill sent from our Fee Billing Unit in Sacramento on approximately August 1, 2014. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Cindi Lee of my staff at (707) 576-2422 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E. Sonoma District Engineer

Drinking Water Field Operations Branch

Enclosures

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STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Madrone Mutual Water Company

Water System No: 4900513

To:

Madrone Mutual Water Company

7729 Isabel Drive Cotati, CA 94931

Issued:

December 9, 2013

CITATION FOR NONCOMPLIANCE

With Total Coliform Maximum Contaminant Level, Monitoring and Reporting for October 2013

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to the Madrone Mutual Water Company (System) for failure to

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COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 3-95) OSP 05 90192 comply with Title 22, California Code of Regulations (CCR) Sections 64426.1, 64424, 64423.1, and 64430.

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations (CCR), Section 64426.1 states in relevant part:

- (b) A public water system is in violation of the total coliform MCL {maximum contaminant level} when any of the following occurs:
 - (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination

California Code of Regulations (CCR), Section 64424 states in relevant part:

(c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b).

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California Code of Regulations (CCR), Section 64423.1 states in relevant part:

(c) Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

CCR, Title 22, Section 64430 and Section 141.402(a)(1) Title 40, Code of Federal Regulations published in November 8, 2006, Federal Register (Vol.71, No. 216) states in relevant part:

A ground water system must conduct triggered source water monitoring if the system is notified that a sample collected under California Code of Regulations, Title 22, Sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under California Code of Regulations, Title 22, Section 64425.

STATEMENT OF FACTS

The Department has received laboratory results for eight bacteriological samples collected during October 2013 from the System. All samples were analyzed for the presence of coliform bacteria. Two of the eight samples tested positive for coliform bacteria, including a routine sample collected on October 8, 2013 at 7729 Isabel Dr. and a repeat sample collected on October 10, 2013 at 7650 Isabel Dr.

The System did not notify the Department of this MCL violation.



The System failed to collect and report a repeat sample set in response to the October 10, 2013 positive repeat sample collected at 7650 Isabel Dr.

The System failed to collect and report a triggered source water sample(s) in response to the total coliform-positive routine sample from the System.

DETERMINATIONS

THE DEPARTMENT HAS DETERMINED:

The System violated Title 22 of the CCR, Section 64426.1, in that the System failed to comply with the maximum contaminant level (MCL) for total coliform bacteria during the month of October 2013.

The System violated Title 22 of the CCR, Section 64424, in that the System failed to collect the repeat sample set during the month of October 2013.

The System violated Title 22 of the CCR, Section 64430 and Section 141.402(a)(1) Title 40, Code of Federal Registration, in that the System failed to collect a triggered source sample from each well in use at the time the positive routine sample was collected.



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DIRECTIVES

Madrone Mutual Water Company is hereby directed to take the following actions:

- Comply with Sections 64426.1, 64424, 64423.1 and 64430, Title 22, of the California Code of Regulations in all future monitoring periods.
- Notify all persons served by the System of the MCL violation in conformance with Section 64463.4 and 64465, Title 22 of the CCR, and as follows:
 - a) Completion of Attachment A to include the name, address, and telephone number of a System representative as a source of additional information concerning the public notice. You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided in Attachment A for this written description.
 - b) Provide the notice by <u>mail or direct delivery</u>, **after it has been completed in accordance with (a) above**, to each customer or

 service connection served by the System by **January 10, 2014**.

c) Publish the notice contained in Attachment A, after it has been completed in accordance with (a) above, in a local newspaper of general circulation in the area served by the System (or weekly newspaper if no daily paper is available) for one day. The publication in a local newspaper must be completed by January 10, 2014.

- d) Provide public notice for this violation in accordance with Section 64465(c), Title 22 or the CCR, which requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in a community (whichever is less) that the public notice contain information in the appropriate language(s) regarding the importance of the notice, or contain a telephone number or address where such residents may contact the water system to receive a translated copy of the notice or to receive assistance in the appropriate language.
- Pursuant to Section 64424(d), Title 22 of the CCR, the System shall collect five (5) routine bacteriological samples by December 27,
 2013. The results of these samples shall be submitted with the attached Compliance Certification form.
- 4. Pursuant to Section 64430, Title 22 of the CCR and Section 141.402(a) Title 40, Code of Federal Regulations, the System shall



collect a sample from the source(s) that <u>was</u> on-line at the time the October 8, 2013 sample was collected and have the sample analyzed for *E. coli* by **December 27, 2013.**

5. The System shall complete the attached Compliance Certification form and return it to the Department within 10 days of the public notice being given to the system customers but in no case later than January 20, 2014. A copy of the notice <u>published</u> in the newspaper, a copy of the notice <u>delivered</u> to the customers, and a copy of the <u>laboratory results</u> must be attached to the form.

The Department reserves the right to make such modifications to this Citation, as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

All submittals required by this Citation shall be submitted to the Department at the following address: Janice M. Thomas, P.E.

Department of Public Health Drinking Water Field Operations Branch 50 D Street, Suite 200 Santa Rosa, CA 95404



PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Janice UShanas December 9, 2013

Janice M. Thomas, P.E.

Sonoma District Engineer

Drinking Water Field Operations Branch

Attachments

Certified Mail No. 701222100002 (6736260





4900513/Compliance 02-18-13C-070-4900513-22 & 26.doc/cel

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COMPLIANCE CERTIFICATION

Citation Number 02-18-13C-070

Name of Water System: Madrone Mutual Water Company

System Number: 4900513

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological violations of Title 22, California Code of Regulations (CCR) for the compliance period of October 2013.

Required Action	Date Completed
Complete Attachment A, as required in Directive 2(a)	
Public Notification – Mail or Direct Delivery to Customers	
Public Notification – Newspaper	
5 Bacteriological Samples Collected & Analyzed	
Triggered Source Sample(s) and Analyzed for E. coli.	
Signature of Water System Representative	Date

Attach a copy of the notice delivered to customers, a copy published in the newspaper, and the laboratory results from the 5 water samples and wellhead(s).

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN JANUARY 20, 2014

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

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Attachment A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

Madrone Mutual Water Company Had Levels of Coliform Bacteria Above the Drinking Water Standard and Failed to Collect All Required Bacteriological Samples

Our water system recently violated two drinking water regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened?

We routinely monitor for drinking water contaminants. We took eight water samples to test for the presence of coliform bacteria during October 2013. Two of our samples showed the presence of coliform bacteria. The standard is that no more than 1 sample per month may test positive for bacteria. The positive samples were tested further for fecal coliform. **No fecal coliform or** *E. coli* were found. However, we failed to collect a sample from the well(s) and, therefore, cannot be sure of the quality of our drinking water during that time period. Our drinking water exceeded the maximum level allowed for total coliform bacteria, as specified in Section 64426.1, Title 22, of the California Code of Regulations (CCR).

The regulations require that we collect four follow up samples (or repeat samples) after any water sample tests positive for coliform bacteria. We failed to collect all four repeat samples after a second sample tested coliform-positive. That was a violation of Section 64424, Title 22, of the CCR.

The regulations require that we collect a sample from the well or wells on-line at the time the initial sample in October showed the presence of bacteria. We failed to collect these samples.

What does this mean?

The California Department of Public Health (Department) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more drinking water samples than allowed. This was a warning of potential problems and a violation of the regulations.

What should I do?

You do not need to boil your water or take other corrective actions. This is not an emergency. If it had been, you would have been notified immediately.

People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

Attachment A Page 2 of 2

If you have other health concerns related to the consult your doctor.	consumption of this water, you may wish to	
Has the problem been resolved? What correct violation from occurring in the future?	ive actions have been taken to prevent this	
This notification of the public is being done in compliance with Section 64463.4, Title CCR as a means of keeping the public informed. Persons wishing more information should contact:		
	(name) (address)	

(phone number)

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of this notice from **Madrone Mutual Water Company** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).